

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Brock Fredin,

Civil No. 18-cv-0510 (SRN/HB)

Plaintiff,

v.

**ORDER**

Elizabeth A. Clysdale, David E.  
McCabe, Grace Elizabeth Miller,  
Catherine Marie Schaefer, and Lindsey  
Middlecamp,

Defendants.

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SUSAN RICHARD NELSON, United States District Judge

The above-entitled matter is before the Court on the Report and Recommendation of the United States Magistrate Judge [Doc. No. 106]. No objections have been filed to the Report and Recommendation in the time period permitted.

Accordingly, based on that Report and Recommendation, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation [Doc. No. 106] is **ADOPTED**;
2. Plaintiff Brock Fredin's Motion for Leave to File a Second Amended Complaint [Doc. No. 80] is **GRANTED**;
3. The Clerk's Office shall file and docket on Fredin's behalf the Second Amended Complaint, currently designated as a proposed second amended complaint [Doc. No. 80-1];

4. Plaintiff Brock Fredin's letter request for leave to file a third amended complaint [Doc. No. 89] is **DENIED**;
5. Defendant Referee Elizabeth Clysdale's Motion to Dismiss [Doc. No. 38], as applied to the now operative Second Amended Complaint, is **GRANTED**, and all claims against Referee Clysdale are **DISMISSED WITH PREJUDICE**;
6. Defendants Grace Elizabeth Miller, Catherine Marie Schaefer, and Lindsey Middlecamp's Motion to Dismiss [Doc. No. 44], as applied to the now operative Second Amended Complaint, is **GRANTED**, and all claims against these Defendants are **DISMISSED WITH PREJUDICE**; and
7. Defendant Sergeant David E. McCabe's Motion to Dismiss [Doc. No. 49], as applied to the now operative Second Amended Complaint, is **GRANTED**, as follows:
  - a. Summary judgment is awarded on the search warrant-based retaliation claim in Count 1 of the SAC and on the *Franks*-based Fourth Amendment claim in Count 2 of the SAC; and
  - b. All remaining claims against Sergeant McCabe are **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: February 21, 2019

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Judge